

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Shaker Masri,

Case No. 16-cv-4132 MJD/FLN

Petitioner,

v.

ORDER

T.J. Watson,

Respondent.

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The above-entitled matter comes before the Court on Petitioner's objections to the Report and Recommendation of Magistrate Judge Franklin L. Noel dated February 17, 2017 recommending the Court dismiss his petition for failure to exhaust administrative remedies.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review, the Court adopts the Report and Recommendation and will dismiss the petition, without prejudice, as Petitioner had not exhausted his administrative remedies prior to filing.

Even if the Petitioner had exhausted his administrative remedies, the Court would likely dismiss the petition to the extent it challenges the BOP's discretionary determinations made pursuant to 18 U.S.C. § 3621, as directed by §

3635. See Reeb v. Thomas, 636 F.3d 1224, 1227 (9th Cir. 2011).

**IT IS HEREBY ORDERED** that the Petition for a writ of habeas corpus (ECF No. 1) is **DENIED without prejudice**.

LET JUDGEMENT BE ENTERED ACCORDINGLY.

DATED: March 24, 2017

s/Michael J. Davis  
MICHAEL J. DAVIS  
United States District Court